

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MITCHELL EGGERS,

Plaintiff,

vs.

CAMPAGNOLO NORTH AMERICA, INC.;
B & L BIKE AND SPORTS, INC.,

Defendants.

CASE NO. 08cv0198 JM(LSP)

ORDER GRANTING IN PART AND
DENYING IN PART MOTION FOR
RECONSIDERATION

Plaintiff moves this court to reconsider its July 7, 2009 Order Granting Motion to Transfer (“Order”) on grounds that (1) the court erroneously transferred the action to the Southern District of Texas, instead of the Western District of Texas; and (2) the court failed to consider the presence of the local witnesses identified for the first time in the motion for reconsideration. Defendants partially oppose the motion for reconsideration.

Reconsideration is generally appropriate “if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law. . . . There may also be other, highly unusual circumstances warranting reconsideration.” School Dist. No. 1J, Multnomah County, Oregon v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993) (citations omitted).

In granting Campagnolo S.R.L.’s motion to transfer venue to the district court located in Austin, Texas, the parties represented that Austin was located in the Southern District of Texas.

1 Plaintiff now moves for reconsideration on the ground that Austin, Texas is located in the Western
2 District of Texas, and not the Southern District of Texas. Campagnolo S.R.L. does not oppose transfer
3 of this action to the Western District of Texas and represents that it intended to transfer the action to
4 the venue in which Plaintiff's bicycle accident occurred. In order to correct a clear error, the court
5 grants limited reconsideration of the Order. The Clerk of Court is instructed to transfer this action to
6 the Western District of Texas.

7 On the merits, Plaintiff identifies potential witnesses located within this district. The witnesses
8 are not newly discovered. Plaintiff has been aware of these witnesses for a considerable period of
9 time. Consequently, this portion of the motion is denied because Plaintiff fails to set forth any newly
10 discovered evidence, clear error, or intervening change in controlling law.

11 In sum, the court grants in part and denies in part the motion for reconsideration. The Clerk
12 of Court is instructed to transfer this action to the Western District of Texas.

13 **IT IS SO ORDERED.**

14 DATED: August 6, 2009



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16 Hon. Jeffrey T. Miller
United States District Judge

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18 cc: All parties

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